

ARTICLE APPEARED  
PAGE A-15

WASHINGTON POST  
2 November 1985

# Jurors Declare Deadlock In FBI Espionage Trial

*Judge Tells Them to Resume on Monday*

By Katharine Macdonald  
Special to The Washington Post

LOS ANGELES, Nov. 1—Jurors in the espionage trial of Richard W. Miller told U.S. District Court Judge David V. Kenyon today that they are unable to reach a unanimous verdict on any of the seven charges against the former FBI agent.

Kenyon told the jurors, who have deliberated 56 hours over 11 days after hearing 11 weeks of testimony, to go home for the weekend and resume deliberations Monday.

"My heart goes out to you," the judge said. "I've been in the decision-making business for a while, and decisions are not always easy."

Miller, the first Federal Bureau of Investigation agent to be tried for espionage, is charged with pass-

ing classified information to the Soviet Union in exchange for promises of \$65,000 in cash and gold.

Soviet emigres Svetlana and Nikolai Ogorodnikov pleaded guilty in June, 10 weeks into their own trial, to conspiring to commit espionage with Miller. She is serving an 18-year sentence; her husband, who is trying to withdraw his guilty plea, was sentenced to eight years.

Earlier today, Kenyon issued a harsh rebuke to reporters covering the trial and singled out the Los Angeles Times for particular criticism.

On Thursday, the judge called attorneys for both sides into court to tell them he was considering instructing the jurors that they could return separate verdicts on the seven counts against Miller, 48.

Kenyon said he was concerned

that the longer the deliberations continued, "the more chance that the jury won't remain as a total unit."

The length of the deliberations had already sparked speculation about a hung jury, and the judge's comments prompted an article today in the Times headlined: "Possible Jury Deadlock in Miller Spy Trial Raised Publicly by Judge." United Press International and the Associated Press also reported that the judge seemed worried about a hung jury.

This morning an angry Kenyon again summoned attorneys. Saying the idea of a deadlock "never entered my mind," Kenyon said he was concerned that jurors might see or hear of the Times story.

Characterizing the Times' reporting as "the most strange interpretation of what happened in this courtroom" he could imagine, the judge said, "This is not some kinky-dink little newspaper in some kinky-dink little town."

Noel Greenwood, the Times' deputy managing editor for metropolitan news, said, "We believe our story is a fair and accurate account of the proceedings. But we intend to report the judge's objections."